

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>DAVID B. GOLUBCHIK (State Bar No. 185520) TODD M. ARNOLD (State Bar No. 221868) LEVENE, NEALE, BENDER, YOO &amp; BRILL L.L.P. 10250 Constellation Boulevard, Suite 1700 Los Angeles, California 90067 Telephone: (310) 229-1234 Facsimile: (310) 229-1244 Email: DBG@LNBYB.com; TMA@LNBYB.COM</p> <p>Attorneys for Debtor and Debtor in Possession</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;"><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION</b></p>	
<p>In re:</p> <p><b>ATHERTON FINANCIAL BUILDING, LLC,</b></p> <p style="text-align: center;"><b>Debtor and Debtor in Possession.</b></p> <p style="text-align: right;">Debtor(s)</p>	<p>Lead Case No.: 2:14-bk-27223-TD Chapter 11</p> <p><b>NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE:</b></p> <p><b><u>DEBTOR'S NOTICE OF MOTION AND MOTION TO APPROVE SETTLEMENT AND COMPROMISE; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF BENJAMIN KIRK IN SUPPORT THEREOF</u></b></p>

PLEASE TAKE NOTE that the order titled **ORDER ORDER GRANTING MOTION TO APPROVE SETTLEMENT AND COMPROMISE** was lodged on **June 3, 2015** and is attached. This order relates to the motion which is docket number 78.

# **EXHIBIT A**

1 DAVID B. GOLUBCHIK (State Bar No. 185520)  
TODD M. ARNOLD (State Bar No. 221868)  
2 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.  
10250 Constellation Boulevard, Suite 1700  
3 Los Angeles, California 90067  
4 Telephone: (310) 229-1234  
Facsimile: (310) 229-1244  
5 Email: dbg@lnbyb.com; tma@lnbyb.com

6 Attorneys for Debtor and Debtor in Possession,  
7 Atherton Financial Building LLC

8  
9 **UNITED STATES BANKRUPTCY COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **LOS ANGELES DIVISION**

12 In re:

13 **ATHERTON FINANCIAL BUILDING, LLC,**

14  
15 Debtor and Debtor in Possession.

Case No.: 2:14-bk-27223-TD

Chapter 11 Case

**ORDER GRANTING MOTION TO  
APPROVE SETTLEMENT AND  
COMPROMISE**

Hearing:

Date: June 3, 2015

Time: 2:00 p.m.

Place: Courtroom 1345

255 E. Temple Street

Los Angeles, CA 90012

1 A hearing was held on June 3, 2015, at 2:00 p.m. in Courtroom 1345 of the United States  
2 Bankruptcy Court for the Central District of California, Los Angeles Division, before the  
3 Honorable Thomas B. Donovan, United States Bankruptcy Judge, for the Court to consider the  
4 motion ("Motion"), filed by Atherton Financial Building LLC, the debtor and debtor in  
5 possession herein (the "Debtor"), for an order to approve settlement and compromise with Bank  
6 SinoPac ("Bank") which resolves adversary proceeding 2:15-ap-01145-TD commenced by the  
7 Bank (the "Adversary Proceeding") and, further, final resolution and dismissal of this  
8 bankruptcy case. In light of the Court's tentative ruling issued in advance of the hearing,  
9 appearances were waived.

11 The Court, having considered the Motion, all papers filed in support of the Motion, the  
12 Stipulation for Immediate Entry of Declaratory Judgment (the "Stipulation") attached to the  
13 Motion as **Exhibit "A"**, no opposition to the Motion having been filed, proper notice of the  
14 Motion and the hearing on the Motion having been provided, having determined that the  
15 proposed compromise is fair and reasonable and in the best interest of the Debtor's estate and all  
16 creditors, and complies with all the requirements set forth in Martin v. Kane (In re A & C  
17 Properties), 784 F.2d 1377, 1380-81 (9th Cir. 1986), cert. denied 479 U.S. 854 (1986), the entire  
18 record in this case, and other good cause appearing therefor,

20 **IT IS HEREBY ORDERED AS FOLLOWS:**

- 21 A. The Motion is hereby granted in its entirety;  
22 B. The compromise set forth in the Motion is hereby approved in its entirety;  
23 C. All parties to the Stipulation and the compromise are hereby authorized to take  
24 all actions necessary and proper to consummate the compromise;  
25 D. A Judgment on the Stipulation, to be submitted by the Bank, shall be entered in  
26 the Adversary Proceeding;  
27  
28

1 E. Levene, Neale, Bender, Yoo & Brill L.L.P. ("LNBYB"), general bankruptcy  
2 counsel to the Debtor, is hereby authorized and instructed to transfer the sum of  
3 \$1,500,000 being held by LNBYB of proceeds of the sale of the Debtor's assets  
4 (the "Sale Proceeds"), to the Bank in accordance with payment instructions to be  
5 provided by the Bank to LNBYB;

6 F. LNBYB shall pay all remaining administrative claims of the Debtor's estate,  
7 including professional fees and U.S. Trustee quarterly fees, from the Sale  
8 Proceeds;

9 G. This bankruptcy case is hereby dismissed; and

10 H. The Clerk of the Court is authorized and instructed to close this bankruptcy case.

11 # # #  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **June 3, 2015**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Todd M Arnold tma@lnbyb.com
- Douglas G Boven dboven@reedsmith.com, gsandoval@reedsmith.com
- Christopher D Crowell ccrowell@frandzel.com, efiling@frandzel.com, dmoore@frandzel.com
- Michael G Fletcher mfletcher@frandzel.com, efiling@frandzel.com; sking@frandzel.com
- David B Golubchik dbg@lnbyb.com, dbg@ecf.inforuptcy.com
- Jeffrey S Kwong jsk@lnbyb.com, jsk@ecf.inforuptcy.com
- Charles Alex Naegele alex@canlawcorp.com, alexnaegelelaw@gmail.com
- Queenie K Ng queenie.k.ng@usdoj.gov, dare.law@usdoj.gov
- Laura Palazzolo laura.palazzolo@berliner.com
- Jeffrey S Shinbrot jeffrey@shinbrotfirm.com, sandra@shinbrotfirm.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Reed S Waddell rwaddell@frandzel.com, efiling@frandzel.com; sking@frandzel.com

**2. SERVED BY UNITED STATES MAIL:** On **June 3, 2015**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

None

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **June 3, 2015**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

### **SERVED BY ATTORNEY SERVICE**

Hon. Thomas B. Donovan  
United States Bankruptcy Court  
255 E. Temple Street, Suite 1352 / Courtroom 1345  
Los Angeles, CA 90012

1 I declare under penalty of perjury under the laws of the United States of America that the foregoing is  
2 true and correct.

3 June 3, 2015

Lisa Masse

/s/ Lisa Masse

4 *Date*

*Type Name*

*Signature*